

From: Richard Hamilton
To: Microsoft ATR
Date: 1/17/02 8:31pm
Subject: Microsoft Settlement

Hi -

Having read through the proposed settlement for the case, namely a consent decree, I must say that this 'punishment' for Microsoft (Microsoft having been found guilty) is not entirely appropriate.

The essence of this decree would be Microsoft promising not to do it ever again, and allowing their work to be monitored, to a certain extent. However, this same punishment was meted out previously to Microsoft several years ago - and yet, the consent decree imposed upon them did nothing to discourage them from continuing in their ways just as before. Indeed, despite the consent decree, they still had another case for a similar matter brought against them, and they were found guilty! One can see from this that it is quite likely that Microsoft simply ignored the previous consent decree, and would quite likely do exactly the same thing all over again.

Also consider that, given the effectiveness of consent decrees in relation to Microsoft in the past, this consent decree would have little impact - almost certainly meaning that another case would be brought up against Microsoft in a few years. And we'd start the circle all over again, wasting time, and tax-payers money. Simply put: a strong punishment now, showing that the Department of Justice is not to be trifled with, would prevent further court cases, as well as further infringements by Microsoft.

A consent decree has not worked in the past, and by all likelihood, will not work in the future with this particular company. A better solution to Microsoft's infringements must be found.

Thanks,

-Richard